

Serial Number 10/777,160  
Navy Case No. 96,106  
Amendment In Response To Final Office Action

### **REMARKS**

The following remarks are in response to the Office Action of November 29, 2007. Reconsideration and allowance of Applicant's claims are respectfully requested. Claims 10 and 13-17 are pending in this application. Claim 10 has been amended, and claims 13-17 remain as previously presented. Additionally, paragraphs [002], [005], [008], [009] and [0012] have been amended. As would be explained in detail below, Applicant respectfully submits that all claims are allowable, and the application is in condition for allowance.

Although no fee is believed to be due in association with the instant response to the Office Action, the USPTO is authorized to charge any required fees to Deposit Account 50-0958.

### **Specification**

#### **Amendments to Specification in Response to Objection**

On page 2 of the outstanding Office Action, the examiner states that the specification is objected to as failing to provide proper antecedent basis for claimed subject matter. The examiner further states that the underlined section of the claim language, "vapor portion during a single evaporation stage and a contaminate portion" is not positively recited in the specification, as per 37 CFR 1.75(d) (1). Applicant has amended the specification, and respectfully suggests that the specification as amended, overcomes the examiner's objection.

In response to the examiner's object, paragraph [005] of the specification has been amended to include the language, "In the flash chamber the wastewater is converted

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to a water vapor portion in a single evaporation stage, and also into a contaminate portion having oil droplets." Additionally, paragraph [0012] of the specification has been amended to include the language, "In the flash chamber 22 the wastewater is converted to a water vapor portion in a single evaporation stage, and also into a contaminate portion having oil droplets." The specification as amended positively recites the claimed subject matter, particularly the underlined section cited by the examiner. The examiner should note that no new matter has been added because the amended language was a part of the original application, as per *MPEP* 608.04(b).

#### **Other Amendments to Specification**

Paragraph [002] has been amended to update the cross-reference information. Paragraphs [008] and [009] have both been amended to properly identify Figure 1 within the written description.

#### **35 U.S.C. § 112, Second Paragraph Rejections**

In the outstanding office action, claims 10 and 13-17 are rejected under 35 *U.S.C.* § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the claims "provide for ambiguity and confusion as there appear to be two distinct statutory subject matter claimed in claim 10." In response to this rejection, Applicant has amended the language of claim 10, so that claim 10 clearly recites method steps. As amended, claim 10 includes the step of "providing a wastewater processing

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apparatus." Thus, Applicant respectfully suggests that claim 10 as amended does not provide for ambiguity or confusion, and therefore overcomes the rejection.

In the outstanding office action, claims 10 and 13-17 are further rejected because "that there is no corresponding tie-in between the condenser and the distillate tank." As amended, claim 10 recites "a condenser connected to the flash chamber." Claim 10 further recites "a distillate tank *operably connected* to the condenser." [Emphasis added.] Applicant respectfully suggests that the language "operably connected" provides the aforementioned tie-in between the condenser and the distillate tank.

The specification provides the operable connection as recited. Figure 1 clearly shows this tied-in relationship between the condenser 26 and the distillate tank 38. Additionally, paragraphs [0011] and [0013] teach the operable connection between the elements. Paragraph [0011] states, "The condensate of the water vapor cooled in the condenser 26 is also fed to the vented distillate tank 38 within the processor 16." Paragraph [0013] states "Such condensate collected within the distillate tank 38 is directly delivered from the condenser 26." The functions outlined in paragraphs [0011] and [0013] require an operable connection between the elements, which is schematically illustrated in Figure 1. Thus, Applicant believes that claims 10 and 13-17 overcome all 35 U.S.C. § 112, second paragraph rejections.

### Conclusion

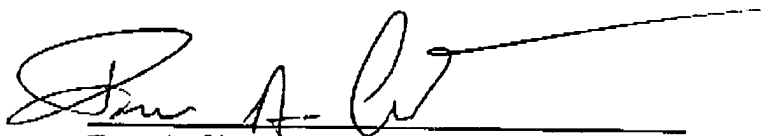
In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending

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claims. Should the Examiner feel that there are issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Dave A. Ghatt  
Reg. No. 50,926

Customer No. 38092  
Office of Counsel (Patents)  
Naval Surface Warfare Center  
Carderock Division  
Code 004  
9500 MacArthur Blvd.  
West Bethesda, MD 20817-5700

(301) 227-1835